

Harry B. Wilson, OSB #077214

HarryWilson@MarkowitzHerbold.com

Hannah K. Hoffman, OSB #183641

HannahHoffman@MarkowitzHerbold.com

MARKOWITZ HERBOLD PC

1455 SW Broadway, Suite 1900

Portland, OR 97201-3412

(503) 295-3085

Special Assistant Attorneys General for Defendants
Additional Counsel of Record Listed on Signature Page

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC., Case No. 2:22-cv-01815-IM

an Oregon public benefit corporation; BRAD

LOHREY, Sherman County Sheriff; BRIAN

WOLFE, Malheur County Sheriff; HAROLD

RICHARD HADEN, JR., an individual; and

ADAM JOHNSON, an individual,

JOINT STATUS REPORT

Plaintiffs,

v.

KATE BROWN, GOVERNOR OF THE
STATE OF OREGON, and ELLEN
ROSENBLUM, ATTORNEY GENERAL OF
THE STATE OF OREGON, in both their
official and personal capacities,

Defendants.

I. This Court's Stay of Enforcement of the Permit-to-Purchase Requirement

The parties continue to confer regarding a joint stipulation to extend this Court's temporary restraining order of the permit-to-purchase requirement to 11:59 p.m. on February 7, 2023. The parties anticipate filing a joint stipulation to that effect by December 15. If they cannot reach agreement by that time, they will file a joint status report regarding the outstanding issues relating to such an extension. If the parties cannot reach a stipulation, the parties will request the Court resolve the disagreement before its present order expires at the end of January 6, 2023.

II. Permit-to-Purchase Preliminary Injunction Schedule

The parties propose the following schedule for Plaintiffs' motion(s) for a preliminary injunction of Measure 114's permit-to-purchase provisions:

December 15	Parties' joint status report
December 19	Status conference with the Court
January 4	Plaintiffs' amended complaints (if any)
January 4	Plaintiffs' motion for a preliminary injunction (or supplemental memo, if any, in support of existing motion) with Plaintiffs' witness statements (if any)
January 5–12	Depositions of Plaintiffs' preliminary injunction witnesses
January 11	Amicus briefs in favor of Plaintiffs
January 13	Defendants' response to motion with Defendants' witness statements
January 17	Amicus briefs in favor of Defendants
January 17–20	Depositions of Defendants' preliminary injunction witnesses
January 18	Plaintiffs' reply
January 20, noon	Exhibit lists due
January 23–24	Hearing (live testimony ¹ and argument)

¹ The parties request that Court allow counsel and witnesses to appear by video.

45 days after order on preliminary injunction	Defendants' responses to complaints that do <u>not</u> include large-capacity magazine allegations
---	--

All filings must be made by 4 p.m. on the date due. All depositions are presumptively limited to three hours per witness. The parties stipulate that their agreement to this schedule is not evidence of a lack of irreparable harm from the temporary restraining order or a lack of urgency of the issues before the Court.

III. Ammunition Magazines Preliminary Injunction Schedule

The parties propose the following schedule for Plaintiffs' motion(s) for a preliminary injunction of Measure 114's ammunition magazine provisions:

December 15	Parties' Joint Status Report
December 19	Status conference with the Court
January 4	Plaintiffs' amended complaints (if any)
January 4	Plaintiffs' motion(s) for a preliminary injunction (or supplemental memo, if any, to existing motion) with declarations and exhibits (if any)
January 11	Amicus briefs in support of Plaintiffs
January 11	Parties' proposal(s) on Rule 706 witness(es), if any
January 11–18	Depositions of Plaintiffs' declarants
February 1	Defendants' response with declarations and exhibits
February 5	Amicus briefs in support of Defendants
February 2–8	Depositions of Defendants' declarants
February 8	Plaintiffs' reply(ies)
February 9	Parties' proposal(s) on live witnesses at hearing ²
February 10	Deposition designations (all parties)
February 14	Deposition counter-designations (all parties)

² The parties do not anticipate live witnesses to be called at the hearing on Plaintiffs' motion to preliminarily enjoin the ammunition magazine provisions. If any party wishes to call a witness for direct or cross-examination at that hearing, they will confer with the other parties by February 2 and report to the Court on the parties' positions on such testimony by February 9.

February 16	Hearing ³
45 days after order on preliminary injunction	Defendants' responses to all remaining complaints

All filings must be made by 4 p.m. on the date due. All depositions are presumptively limited to three hours per witness. The parties stipulate that their agreement to this schedule is not evidence of a lack of irreparable harm or a lack of urgency of the issues before the Court.

IV. Harney County Circuit Court's Temporary Restraining Order

Defendants inform the Court that on December 6 the Circuit Court for Grant and Harney County entered the attached order "temporar[il]y restrain[ing defendants] from enforcing Ballot Measure 114 as of 12:01 a.m. on December 8, 2022." *Arnold v. Brown*, No. 22CV41008 (complaint filed Dec. 2, 2022). By rule, that order is limited to 10 days. ORCP 79 B(2)(a). The state court defendants sought review of the temporary restraining order in the Oregon Supreme Court by filing an application for a writ of mandamus and a motion to stay, which the Supreme Court denied in a summary order. No. S069923 (Or. Dec. 7, 2022).

The Circuit Court has scheduled a preliminary injunction hearing for December 13.

DATED this 9th day of December, 2022.

VAN NESS WILLIAMSON

s/ Leonard W. Williamson

Leonard W. Williamson, OSB #910020
Attorney for Plaintiffs

KOSBOME LAW, LLC
Karen Louise Osborne, OSB #171291
Attorneys for Plaintiffs

ELLEN ROSENBLUM
ATTORNEY GENERAL
FOR THE STATE OF OREGON

s/ Harry B. Wilson

Harry B. Wilson, OSB #077214
HarryWilson@MarkowitzHerbold.com
Hannah K. Hoffman, OSB #183641
HannahHoffman@MarkowitzHerbold.com
Special Assistant Attorneys General for Defendants

Brian Simmonds Marshall
brian.s.marshall@doj.state.or.us

³ The parties request that the Court allow counsel to appear by video.

Of Attorneys for Defendants

PACIFICA LAW GROUP LLP

s/ Zachary J. Pekelis

Zachary J. Pekelis, pro hac vice

Jessica A. Skelton, OSB #102714

Kai A. Smith, pro hac vice

W. Scott Ferron, pro hac vice

Attorneys for Proposed Intervenor-Defendant

Oregon Alliance for Gun Safety

ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from plaintiffs' counsel signatories to this document.

Date: December 9, 2022

s/ Harry B. Wilson

Harry B. Wilson, OSB #077214

HarryWilson@MarkowitzHerbold.com

1377607